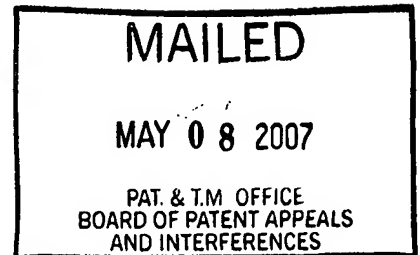


UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte RUDOLF PETERMANN

Application 10/733,484



ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received electronically at the Board of Patent Appeals and Interferences on January 17, 2007. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being electronically returned to the Examiner. The matters requiring attention prior to docketing are identified below:

A review of the file reveals that it is not clear from the record whether the examiner considered the Amendment filed May 1, 2006. A written communication notifying Appellant of the response to the Amendment is required. See 37 C.F.R. § 41.33(b) which states:

(b) Amendments filed on or after the date of filing a brief pursuant to § 41.37 may be admitted:

Application No. 10/733,484

(1) To cancel claims, where such cancellation does not affect the scope of any other pending claim in the proceeding, or


(2) To rewrite dependent claims into independent form.

Accordingly, it is **ORDERED** that the application is returned to the

Examiner to:

- 1) consideration of the Amendment filed May 1, 2006, with appropriate written notification by the Examiner to Appellant of such consideration, and;
- 2) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: 
PATRICK J. NOLAN
Deputy Chief Appeal Administrator
(571) 272-9797

PJN:pgc

CC: Davidson, Davidson & Kappel, LLC
485 Seventh Avenue
14th Floor
New York, NY 10018